

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. Support for amended claim 1 can be found in claims 1 and 3. Support for newly added claims 17-20 can be found in the original claim 9. Support for newly added claims 21-24 can be found in the original claims 10-14.

The application contains 19 claims (claims 1, 5-8 and 11-24). The application contains 6 independent claims (claims 1 and 17-21). **The applicant authorizes the PTO to charge Deposit Account No. 03-2775, under Order No. 14113-00048-US from which the undersigned is authorized to draw for the extra three independent claims.**

Claim 10 is rejected under 35 U.S.C. 101 because the claimed recitation of a use results in an improper definition of a process. Claim 10 is also rejected under 35 U.S.C. as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Huang et al. Polymer Preprints, vol. 43, no. 1, pp. 147-148, 2002 ("Huang"). Claims 1, 3, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishi et al (US 2002/0034659) ("Nishi"). Claims 12-16 are rejected under 35 U.S.C. 102(e) as anticipated by or obvious over Nishi. Claims 1-2, 5-6, 8, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura et al (US 2005/0064233) ("Matsuura"). Claim 8 is rejected under 35 USC 102(e) as being anticipated by Matsuura with evidence of inherency supplied by Salbeck et al (Synthetic Metals, vol. 91, pp 209-215, 1997). Claims 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by, or in the alternative, under 35 USC 103 over Matsuura. Claims 3-4 are rejected under 35 USC 103 over Matsuura. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al (US 6,392,339) in view of Salbeck. Claims 1-16 are rejected on the ground of obviousness-type double patenting over US 6,911,551 ("the '551 patent"). The applicant respectfully traverses these rejections.

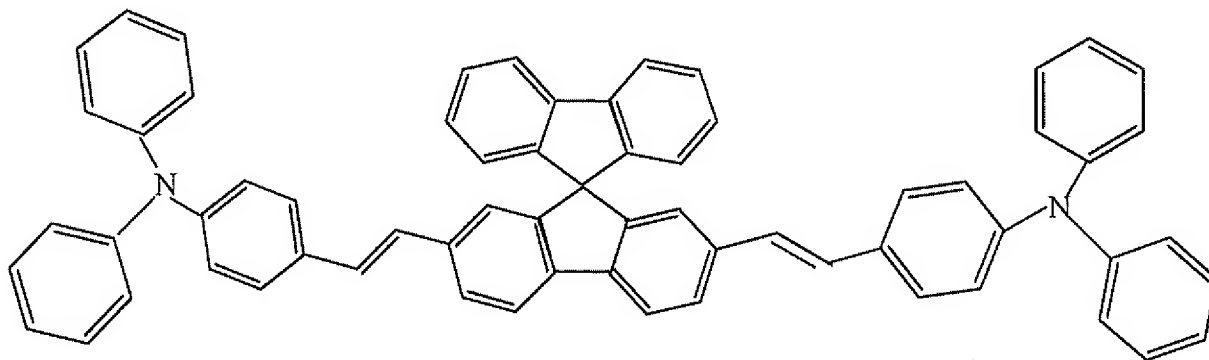
Claim Rejection - 35 USC § 101 and § 112

Claim 10 is rejected under 35 U.S.C. 101 because the claimed recitation of a use results in an improper definition of a process. Claim 10 is also rejected under 35 U.S.C. as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In order to expedite prosecution, the applicant has cancelled claim 10. For the above reasons, these rejections should be withdrawn.

Claim Rejection - 35 USC § 102 over Huang

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Huang. The applicant has written claim 9 as newly added claims 17-20 so that they do not include the following compound:



Independent claim 17

Claim 17 further limits the definition of “x” so that

“x is the same or different at each instance and is 0, 1, 2, 3 or 4, with the proviso that the sum of all indices x is unequal to zero or 2” emphasis added

Support for the proviso can be found at col. 5 of published application, last example has x = 2]. Therefore, the applicant can disclaim the sum of x is unequal to 2. Huang requires that x is 2 which is disclaimed from claim 17.

Independent claim 18

Claim 18 further limits the definition of “n” so that

“n is the same or different at each instance and is 1 or 2”

Claim 18 deletes n is 0 and requires that the AR group must be present which is not taught by Huang.

Independent claim 19

Claim 19 further limits the definition of “m” so that

“m is the same or different at each instance and is 2”

Claim 19 require 2 Ar¹ groups. This is not taught by Huang.

Independent claim 20

Claim 20 further limits the definition of “o” so that

“o is the same or different at each instance and is 2, 3, 4, 5 or 6; where AR on Ar² or on Ar³ or on both, may be bonded in the form of a dendrimer”

The definition “o” no longer can be 1.

For the above reasons claims 17-20 are novel over Huang. For the above reasons, this rejection should be withdrawn.

Rejection over Nishi

Claims 1, 3, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishi. Claims 12-16 are rejected under 35 U.S.C. 102(e) as anticipated by or obvious over Nishi. The applicant has incorporated part of claim 3 into claim 1, but has deleted “metal complex”, “phosphorescent heavy metal complex” and “complexes of iridium or platinum” as emission materials. Nishi discloses the use of metal complexes with platinum in paragraph no. 0011 and iridium complexes in paragraph no. 0012 which are not required in the applicant’s claimed invention. The applicant does not believe that Nishi anticipates the applicant’s amended claim 1. For the above reasons, this rejection should be withdrawn.

Rejections over Matsuura

Claims 1-2, 5-6, 8, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura et al (US 2005/0064233) ("Matsuura"). Claim 8 is rejected under 35 USC 102(e) as being anticipated by Matsuura with evidence of inherency supplied by Salbeck et al (Synthetic Metals, vol. 91, pp 209-215, 1997). Claims 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by, or in the alternative, under 35 USC 103 over Matsuura. Claims 3-4 are rejected under 35 USC 103 over Matsuura. The applicant believes that they are entitled to the filing date of their priority application which is December 23, 2002. Matsuura has a filing date of July 11, 2003 which is after the applicant's filing date. Enclosed is an English Certified translation of the applicant's priority document. For the above reasons, this rejection should be withdrawn.

Rejection over Aziz in view of Salbeck

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz in view of Salbeck. In order to expedite prosecution the applicant has incorporated the features of claim 3 into claim 1. Since claim 3 is not rejected over these references, this rejection should be withdrawn.

Double Patenting

Claims 1-16 are rejected on the ground of obviousness-type double patenting over the '551 patent. This is however not the case. The '551 patent claims an organic electroluminescence device comprising a spirobifluorene compound, wherein the spirobifluorene compound is substituted by a diarylboron or diarylaluminum substituent. The substituents of the compound in the '551 patent cannot be chosen to be diarylamino, triarylamino or carbazole as defined in pending claim 1 of the present invention. Therefore, the applicant's claim 1 is clearly patent distinct from claims 1 and 8 of '551 patent. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00048-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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Enclosure: An English Certified Translation of the Applicant's Priority Document